

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MOHAMED A. EL-TABECH,

Plaintiff,

VS.

HAROLD CLARKE, et al.,

Defendants.

4:04cv3231

**SECOND
AMENDED ORDER SETTING
SCHEDULE FOR
PROGRESSION OF CASE**

This matter, which is on the docket of Chief Judge Joseph F. Bataillon, is before the court on filing no. 119, the parties' Joint Motion to Extend Dates in the [Amended] Order Setting Schedule for Progression of Case (filing no. 118). The case was brought without counsel by a prisoner in a State corrections facility and was exempt from initial disclosure and planning conference requirements. *See* Fed. R. Civ. P. 26(a)(1)(E)(iii) & 26(f). After the entry of an initial Progression Order, the plaintiff retained counsel, and the court granted the plaintiff's motion for leave to amend the complaint. This case has been pending for more than two years and will now be progressed on an expedited basis in an effort to resolve all claims and issues before the expiration of three years from the initiation of the case.

IT IS ORDERED :

1. **Joint Motion.** Filing no. 119, the parties' Joint Motion to Extend Dates, is granted, and filing no. 118, the Amended Order Setting Schedule for Progression of Case, is further amended as set forth below.
2. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **December 27, 2006**. All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be served sufficiently early to allow rule time response before that date.
3. **Identify Experts.** All parties shall identify experts WITH the full reports required by Fed. R. Civ. P. 26(a)(2)) by **January 17, 2007**.

4. **Motions for Summary Judgment.** All motions for summary judgment or partial summary judgment shall be filed by **February 5, 2007**.

5. **Planning Conference.** A conference with the undersigned magistrate judge will be held on **Thursday, December 28, 2006 at 10:00 a.m.** in chambers, Suite 2210, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska, for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial. Counsel may contact chambers in advance, at 402-661-7340, to arrange to hold the conference by telephone. Prior to the conference, counsel for the parties shall have:

- a. Disclosed the names, addresses, and affiliations with any party of all non-expert witnesses;
- b. Disclosed at least the names and addresses of all expert witnesses expected to testify for that party at trial;
- c. Completed a conference with opposing counsel concerning outstanding discovery disputes as required by NECivR 7.1(i);
- d. Discussed with opposing counsel plans for completing the depositions of expert witnesses and other remaining discovery and the filing of motions for summary judgment;
- e. Exchanged genuine and serious proposals for settlement;
- g. Discussed with opposing counsel any other matters which may be relevant.

6. **Pretrial Conference.** The Final Pretrial Conference with the undersigned magistrate judge is set for **Thursday, May 3, 2007 at 10:00 a.m.**, in chambers, Suite 2210, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska. The final pretrial conference shall be attended by lead counsel for represented parties. Counsel shall complete prior to the pretrial conference, all items as directed in NECivR 16.2. By the time of the pretrial conference, full preparation for trial shall have been made so that trial may begin at any time during the session indicated below.

7. **Trial.** A Non-Jury trial is set to commence at **8:30 a.m. on Monday, May 21, 2007**, in Omaha, Nebraska, before the Honorable Joseph F. Bataillon, Chief Judge.

DATED: September 25, 2006.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge